

SPECIAL EDUCATION DISABILITY

SPECIFIC ELIGIBILITY STANDARDS
AS REFERENCED IN THE RULEMAKING
HEARING RULES
OF THE
STATE BOARD OF EDUCATION
CHAPTER 0520-1-9

TENNESSEE STATE DEPARTMENT OF EDUCATION

Effective July 1, 2002

The Specific Eligibility Standards were developed pursuant to Chapter 0520-1-9-.07 of the Rulemaking Hearing Rules of the State Board of Education (below). The Specific Eligibility Standards must be applied concurrently with Chapter 0520-1-9 of the Rulemaking Hearing Rules of the State Board of Education, when determining a student's eligibility for special education.

0520-1-9-. 07 SPECIFIC ELIGIBILITY STANDARDS

State guidelines and standards will be established for determining program eligibility criteria, evaluation procedures, and evaluation participants. Revisions to the eligibility criteria must be recommended by a Task Force within the disability category. Upon recommendations from the Advisory Council for the Education of Students with Disabilities, the Division will submit the standards to the Commissioner. The Commissioner, after approval will submit to the State Board of Education for final review and approval. Copies of the eligibility criteria are available in the Division.

The following are provisions within Chapter 0520-1-9 regarding referral, evaluation and determination of eligibility for special education:

Chapter 0520-1-9-. 01(21) - "Evaluation" means a procedure used to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. The term means procedures used selectively with an individual child and does not include basic tests administered to or procedures used with all children in a school, grade or class.

Chapter 0520-1-9-. 01(22) - "Evaluation/Reevaluation Report" means a summary of evaluation/reevaluation results obtained in the process of collecting information to determine if the child is a child with a disability or continues to be a child with a disability. The report(s) will vary from student to student, depending upon the type of evaluation completed (i.e., psychological evaluation report, occupational therapy evaluation report, speech/language therapist's evaluation results reflected in the eligibility report, etc.). An evaluation/reevaluation report shall include a summary of assessments.

Chapter 0520-1-9-. 01(47) - "Reevaluation" means a re-determination of a child's eligibility for special education and related services by an IEP team at least once every three (3) years or more frequently, if conditions warrant or if requested by the child's parent or teacher.

0520-1-9-.05. REFERRAL, INITIAL EVALUATION, AND REEVALUATION.

- (1) Each local school system shall develop an organized referral process, communicated to all professional personnel within the system, and parents, and persons within the community, for conducting initial evaluations or reevaluations of children who may be eligible for special education.
- (2) The referral process should include provisions to respond to initial requests for evaluations, securing informed parental consent for initial evaluations or reevaluations, identifying and convening IEP teams, conducting comprehensive individual evaluations, and if a determination of special education eligibility and a need for special education services is established, the development of an individual education program and provisions for placement of the child.
- (3) The standard timeframe from informed written parental consent to the placement of a child eligible for special education will be limited to forty (40) school days. A reasonable exception may be approved by the Department if, based on the unique needs of the child being evaluated, extra time is required. The granting of any exception will be based on the documented individual needs of the child.
- (4) The child's parents, teachers and other qualified professional personnel, as appropriate, shall be a part of the assessment process to evaluate the child. The comprehensive evaluation shall be an in-depth assessment of all areas of suspected physical, cognitive and social/emotional disability. Attempts to gather all relevant educational, functional, and developmental information that adversely affects the child's educational performance and progress in the general curriculum shall be documented. Persons involved in the evaluation of the child shall provide documentation to the IEP team to review prior to determining the child's eligibility for special education services and in considering the child's educational needs when writing the IEP. If consent for an evaluation is refused by the parents, the local school system may pursue an evaluation through mediation and/or due process.
- (5) As part of the initial evaluation and, if appropriate, as part of any reevaluation, the IEP team shall:
 - (a) Review existing evaluation data on the child, including:
 1. Evaluations and information provided by the parents;
 2. Current classroom-based assessments and observations; and
 3. Observations by other teachers and related service providers.
 - (b) On the basis of the review of existing evaluation data and input from the child's parents, identify what additional data, if any, are needed to determine:
 1. Whether the child has a disability or in the case of a reevaluation of a child, whether the child continues to have a disability;
 2. The present levels of performance and educational needs of the child;
 3. Whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and
 4. Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals written in the IEP and to participate, as appropriate, in the general curriculum.
- (6) Each local school system shall ensure that an individual evaluation of each child eligible for special education is conducted every three (3) years or more frequently if conditions warrant or if the child's parent or teacher requests a reevaluation.
- (7) On reevaluations, a meeting may not be required if members of the IEP team decide that no additional data is necessary. However, if additional data are needed or the parent(s) request an evaluation, the local school system shall obtain consent or document attempts to obtain consent to evaluate the child.
- (8) An IEP team meeting shall determine if the child continues to be eligible for special education. At this time, an IEP may be reviewed and/or revised and placement will be determined based upon the child's unique educational needs with the various options of services considered.

- (9) The parents shall receive a copy of all evaluation reports, the eligibility report and the IEP. At the triennial reevaluation, the evaluation report may consist of a summary of previous and current data and observations.
- (10) The IEP for the child shall include all the components within the federal statute. Children eligible for special education who are unilaterally placed in private schools by their parents shall have a service plan with goals and objectives for the service provided.
- (11) No local school system shall provide special education or related services to a child eligible for special education until an initial IEP is completed and the determination of education programs and services has been agreed upon by the local school system and parent(s).
- (12) At a minimum, the local school system shall meet the following evaluation procedures:
 - (a) Tests and other evaluation materials used to assess a child:
 - 1. Are selected and administered so as not to be discriminatory on a racial or cultural basis; and
 - 2. Are provided and administered in the child's native language or other mode of communication, unless it is clearly not possible to do so.
 - (b) Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.
 - (c) A variety of evaluation tools and strategies are used to gather relevant functional and developmental information about the child, including information provided by the parent, and information related to enabling the child to be involved in and progress in the general curriculum (for a preschool child, to participate in appropriate activities) that may assist in determining:
 - 1. Whether the child is an eligible child with special education; and
 - 2. The content of the child's IEP.
 - (d) Any standardized tests that are given to a child have been validated for the specific purpose for which they are used and are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the test.
 - (e) If an evaluation is not conducted under standard conditions, a description of the extent to which it varied from standard conditions must be included in the evaluation report.
 - (f) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
 - (g) Tests are selected and administered.
 - 1. Tests are selected and administered so as best to ensure that if a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude; or
 - 2. Achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).
 - (h) No single procedure is used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.
 - (i) The child is evaluated in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.
 - (j) In evaluating each child with a disability, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.
 - (k) The local school system uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
 - (l) The local school system uses assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child.

0520-1-9-.06. DETERMINATION OF ELIGIBILITY.

- (1) Upon completing the evaluation/reevaluation, an IEP team must determine if the child is eligible for special education. The local school system must provide a copy of the evaluation/reevaluation report and determination of eligibility report to the parent.
- (2) A child may not be determined to be eligible if:
 - (a) The determinant factor for that eligibility determination is:
 1. Lack of instruction in reading or math; or
 2. Limited English proficiency.
 - (b) The child does not otherwise meet any eligibility criteria.
- (3) A local school system must evaluate a child with a disability before determining that the child is no longer eligible for special education. An evaluation is not required before the termination of a student's eligibility due to graduation with a regular high school diploma or exceeding the age eligibility for FAPE.
- (4) In interpreting the evaluation data, for the purpose of determining if a child is a child eligible for special education, each local school system shall:
 - (a) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background and adaptive behavior; and
 - (b) Ensure that information obtained from all of these sources is documented and carefully considered.
 - (c) Ensure determination of eligibility shall be made by the IEP team.
- (5) An IEP must be developed for the child if a determination is made that the child:**
 - (a) Has a disability; and**
 - (b) *Needs special education and related services.**

****Once it has been determined that a child has one or more of the above-listed disabilities, it is the IEP Team that determines if the student needs special education and related services***

Autism

1. Definition (State Board of Education Rule 0520-1-9-.01)
 - a. "Autism" means a developmental disability, which significantly affects verbal and nonverbal communication and social interaction, generally evident before age three (3) that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experience. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in this section.
 - b. After age three (3), a child could be diagnosed as having autism if the child manifests the above characteristics.
 - c. The term of autism also includes students who have been diagnosed with an Autism Spectrum Disorder such as Autism, Pervasive Developmental Disorder—Not Otherwise Specified (PDD-NOS) or Asperger's Syndrome when the child's educational performance is adversely affected. Additionally, it may also include a diagnosis of a Pervasive Developmental Disorder such as Rett's or Childhood Disintegrative Disorder. Autism may exist concurrently with other areas of disability.
2. Eligibility Standards
 - a. Children with autism demonstrate the following characteristics prior to age 3:
 - (1) difficulty relating to others or interacting in a socially appropriate manner; and
 - (2) absence, disorder, or delay in verbal and/or nonverbal communication; and
 - (3) one or more of the following:
 - (a) insistence on sameness as evidenced by restricted play patterns, repetitive body movements, persistent or unusual preoccupations, and/or resistance to change; and/or
 - (b) unusual or inconsistent responses to sensory stimuli.
 - b. The characteristics as defined above are present and cause an adverse effect on educational performance in the classroom or learning environment.
3. Evaluation Procedures
 - a. Evaluation shall include the following:
 - (1) parental interviews including developmental history;
 - (2) behavioral observations in two or more settings (can be two settings within the school);
 - (3) physical and neurological information from a licensed physician, pediatrician or neurologist who can provide general health history to evaluate the possibility of other impacting health conditions;
 - (4) evaluation of speech/language/communication skills, cognitive/developmental skills, adaptive behavior skills and social skills; and
 - (5) documentation and assessment of how autism spectrum disorder adversely affects educational performance in the classroom or learning environment.

4. Evaluation Participants

- a. Information shall be gathered from the following persons in the evaluation of autism spectrum disorders:
 - (1) the parent(s) or guardian of the child;
 - (2) the child's general education classroom teacher (with a child of less than school age, an individual qualified to teach a child of his/her age),
 - (3) an appropriately licensed school psychologist, licensed psychologist, licensed psychological examiner (under the direct supervision of a licensed psychologist), or licensed psychiatrist;
 - (4) a licensed physician, neurologist, pediatrician or primary health care provider; and
 - (5) a certified speech/language teacher or specialist; and other professional personnel as needed, such as occupational therapist, physical therapist or guidance counselor.

Deaf-Blindness

1. Definition (State Board of Education Rule 0520-1-9-.01)
 - a. "Deaf-blindness" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated by addressing any one of the impairments.
2. Eligibility Standards
 - a. A child shall meet one of the following:
 - (1) a child who meets criteria for hearing impairment/deafness and visual impairment/blindness; or
 - (2) a child who is diagnosed with a degenerative condition or syndrome which will lead to deaf-blindness, and whose present level of functioning is adversely affected by both hearing and vision deficits; or
 - (3) a child with severe multiple disabilities due to generalized central nervous system dysfunction, and who exhibits auditory and visual impairments or deficits which are not perceptual in nature.
 - b. The characteristics as defined above are present and cause an adverse affect on educational performance in the general education classroom or learning environment.
3. Evaluation Procedures
 - a. A child with deaf-blindness shall be evaluated by the procedures for hearing impairment/deafness and visual impairment/blindness.
 - b. Evaluation of a child with a suspected degenerative condition or syndrome which will lead to deaf-blindness shall include:
 - (1) a medical statement confirming the existence of such a condition or syndrome and its prognosis; and
 - (2) procedures for hearing impairment/deafness and visual impairment/blindness.
 - c. Evaluation of deaf-blindness shall include the following:
 - (1) an eye exam completed by an ophthalmologist or optometrist describing etiology, diagnosis, and prognosis;
 - (2) a functional vision and media assessment;
 - (3) an audiological assessment;
 - (4) documented observation of auditory functioning;
 - (5) an assessment of speech and language functioning which includes mode of communication;
 - (6) an assessment of developmental and academic functioning; and
 - (7) documentation of how deaf-blindness adversely affects educational performance in the general education classroom or learning environment.

4. Evaluation Participants

- a. Information shall be gathered from those persons designated as evaluation participants for both deafness and visual impairment in the evaluation of deaf-blindness including:
 - (1) the parent(s) or guardian of the child;
 - (2) the child's general education classroom teacher;
 - (3) a licensed physician or audiologist;
 - (4) a licensed speech/language teacher or specialist;
 - (5) an ophthalmologist or optometrist;
 - (6) a licensed teacher of students with visual impairments; and
 - (7) other professional personnel, as indicated (e.g., low vision specialist, orientation and mobility instructor, school psychologist).

Deafness

1. Definition (State Board of Education Rule 0520-1-9-.01)
 - a. "Deafness" means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance.
2. Eligibility Standards
 - a. A child shall have one or more of the following characteristics:
 - (1) inability to communicate effectively due to deafness;
 - (2) inability to perform academically on a level commensurate with the expected level because of deafness; and
 - (3) delayed speech and/or language development due to deafness.
 - b. The characteristics as defined above are present and cause an adverse affect on educational performance, including academic performance, speech and/or language development or communication skills in the general education classroom or learning environment.
3. Evaluation Procedures
 - a. Evaluation shall include the following:
 - (1) audiological evaluation;
 - (2) evaluation of speech and language performance;
 - (3) school history and levels of learning or educational performance; and
 - b. documentation, including an observation of classroom performance, and assessment of how deafness adversely affects educational performance in the general education classroom or learning environment.
4. Evaluation Participants
 - a. Information shall be gathered from the following persons in the evaluation of deafness:
 - (1) the parent(s) or guardian of the child;
 - (2) the child's general education classroom teacher;
 - (3) a licensed physician or audiologist;
 - (4) a licensed speech/language teacher or specialist; and
 - (5) other professional personnel, as indicated.

Developmental Delay

1. Definition (State Board of Education Rule 0520-1-9-.01)
 - a. "Developmental Delay" means a child ages three (3) through nine (9) who is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical, cognitive, communication development, social or emotional, or adaptive development that adversely affects a child's educational performance. Other disability categories should be used if they are more descriptive of a young child's strengths and needs. Local school systems have the option of using developmental delay as a disability category.
2. Eligibility Standards
 - a. A child is evaluated through an appropriate multi-measure diagnostic procedure, administered by a multi-disciplinary assessment team in all of the following areas (not only areas of suspected delays):
 - (1) physical development which includes fine and gross motor skills combined,
 - (2) cognitive development,
 - (3) communication development which includes receptive and expressive language skills combined,
 - (4) social/emotional development, and
 - (5) adaptive development.
 - b. A child shall demonstrate a significant delay in one or more of the above areas which is documented by:
 - (1) performance on a standardized developmental evaluation instrument which yields 1.5 standard deviations below the mean, or 25% delay based on chronological age in two or more of the developmental areas; or
 - (2) performance on a standardized developmental evaluation instrument which yields 2.0 standard deviations below the mean or 40% delay based on chronological age in one of the developmental areas;
 - (3) When one area is determined to be deficit by 40% or more, the existence of other disability categories that are more descriptive of the child's learning style shall be ruled out.
 - c. Initial eligibility as developmental delay shall be determined before the child's seventh birthday;
 - d. Continued eligibility as developmentally delayed after the child's seventh birthday shall be determined through an appropriate multi-measure diagnostic procedure, which includes a comprehensive psycho-educational assessment.
 - e. The characteristics as defined above are present and cause an adverse effect on educational performance in the classroom or learning environment.
3. Evaluation Procedures
 - a. Evaluation shall include the following:
 - (1) documentation of identifiable atypical development by the appropriate team member(s);

- (2) measurement of developmental skills using individually administered procedures;
 - (3) when continued eligibility is determined (past the child's seventh birthday), a licensed school psychologist, licensed psychological examiner or licensed psychologist shall conduct a comprehensive psycho-educational evaluation which measures developmental skills, cognitive functioning, and/or additional areas as determined by the child's IEP Team,
 - (4) examination of developmental strengths and needs of the child gathered from observation(s);
 - (5) observation by a qualified professional in an environment natural for the child which may include the school, child-care agency, and/or home/community to document delayed or atypical development, and
 - (a) interview with the parent to discuss and confirm the noted strengths and needs in the child's development;
 - (6) a review of any existing records or data; and
 - (7) documentation and assessment of how developmentally delayed adversely affects educational performance in the classroom or learning environment.
4. Evaluation Participants
- a. Information shall be gathered from the following persons in the evaluation of developmental delay:
 - (1) the parent(s) or guardian of the child,
 - (2) the child's general education classroom teacher (with a child of less than school age, an individual qualified to teach a child of his/her age), and two or more of the following persons:
 - (a) a licensed school psychologist or licensed psychological examiner;
 - (b) a licensed early childhood special education teacher or special education teacher with pre-school experience;
 - (c) a licensed speech/language specialist;
 - (d) appropriately licensed related services and medical specialists; and/or
 - (e) other personnel as indicated.

Emotional Disturbance

1. Definition (State Board of Education Rule 0520-1-9-.01)
 - a. "Emotional Disturbance" means a child or youth who exhibits one (1) or more of the characteristics as listed in the state adopted eligibility criteria over a long period of time and to a marked degree that adversely affects a child's educational performance.
 - b. The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.
2. Eligibility Standards
 - a. A child shall manifest to a marked degree and over an extended period of time (during which time documentation of informal assessments and interventions are occurring) one or more of the following characteristics:
 - (1) inability to learn which cannot be explained by limited school experience, cultural differences, or inadequate intellectual, sensory, or health factors;
 - (2) inability to build or maintain satisfactory interpersonal relationships with peers and school personnel;
 - (3) inappropriate types of behavior or feelings when no major or unusual stressors are evident;
 - (4) general pervasive mood of unhappiness or depression; and
 - (5) tendency to develop physical symptoms or fears associated with personal or school problems.
 - b. The term may include other mental health diagnoses. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance. Social maladjustment includes, but is not limited to, substance abuse related behaviors, gang-related behaviors, oppositional defiant behaviors, and/or conduct behavior problems.
 - c. The characteristics as defined above are present and cause an adverse affect on educational performance in the learning environment.
3. Evaluation Procedures
 - a. Each child shall have a multifactored evaluation for initial placement that includes, but is not limited to, the following:
 - (1) visual or auditory deficits ruled out as the primary cause of atypical behavior(s);
 - (2) physical conditions ruled out as the primary cause of atypical behavior(s);
 - (3) specific behavioral data, including documentation of previous interventions and an evaluation of the locus of control of behavior to include internal and external factors;
 - (4) direct and anecdotal observations over time and across various settings by three or more licensed professionals;
 - (5) individual assessment of psycho-educational strengths and weaknesses, including intelligence, behavior, and personality factors, taking into account any exceptionality of the individual in the choice of assessment procedures;

- (6) individual educational assessment (criterion- or norm-referenced) including direct measures of classroom performance to determine the student's strengths and weaknesses;
 - (7) review of past educational performance;
 - (8) comprehensive social history collected directly from the child's parent/guardian, custodial guardian, or if necessary, from an individual with intimate knowledge of the child's circumstances, history, or current behaviors. A comprehensive social assessment shall include family history, family-social interactions, developmental history, medical history (including mental health), and school history (including attendance and discipline records); and
 - (9) documentation and assessment of how emotional disturbance adversely affects educational performance in the learning environment.
4. Evaluation Participants
- a. Information shall be gathered from the following persons in the evaluation of emotional disturbance:
 - (1) the parent/guardian or custodial parent of the child;
 - (2) the child's general education classroom teacher(s);
 - (3) an appropriately licensed school psychologist, licensed psychologist, licensed psychological examiner (under the direct supervision of a licensed psychologist), or licensed psychiatrist; and
 - (4) other professional personnel (mental health service providers, special education teachers, school social workers), as indicated.

Functionally Delayed

1. Definition (State Board of Education Rule 0520-1-9-.01)
 - a. "Functionally Delayed" means a child who has or develops a continuing disability in intellectual functioning and achievement which significantly affects the ability to think and/or act in the general school program, but who is functioning socially at or near a level appropriate to his/her chronological age.
2. Eligibility Standards
 - a. A child shall meet all of the following:
 - (1) significantly impaired intellectual functioning which is two or more standard deviations below the mean, with consideration given to the standard error of measurement for the test at the 68th percent confidence level, on an individually administered, standardized measure of intelligence; Interpretation of evaluation results shall take into account factors that may affect test performance including:
 - (a) limited English proficiency
 - (b) cultural background and differences
 - (c) medical conditions that impact school performance
 - (d) socioeconomic status
 - (e) communication, sensory or motor disabilitiesDifficulties in these areas cannot be the primary reason for significantly impaired scores on measures of intellectual functioning;
 - (2) deficient academic achievement which is at or below the fourth percentile in two or more total or composite scores in the following areas:
 - (a) basic reading skills,
 - (b) reading comprehension,
 - (c) mathematics calculation,
 - (d) mathematics reasoning,
 - (e) written expression; and
 - (3) home or school adaptive behavior which is not significantly impaired, or does not fall within mental retardation range.
 - b. The characteristics as defined above are present and cause an adverse effect on educational performance in the classroom or learning environment.
3. Evaluation Procedures
 - a. Evaluation shall include the following:
 - (1) intellectual functioning determined by the appropriate evaluation of cognitive/intellectual abilities;
 - (2) evaluation of achievement with individually administered tests in the areas of basic reading skills, reading comprehension, mathematics computation, mathematics reasoning, and written expression;
 - (3) adaptive behavior determined by scores on appropriate standardized individual instruments from the home or school, with scores above mental retardation range and not significantly impaired for the measure used; and

- (4) documentation and assessment that the functional delay has adverse effects on educational performance in the classroom or learning environment.
- 4. Evaluation Participants
 - a. Information shall be gathered from the following persons in the evaluation of functionally delayed:
 - (1) the parent/principal caretaker of the child;
 - (2) the child's general education classroom teacher;
 - (3) the special education teacher;
 - (4) an appropriately licensed school psychologist, licensed psychologist, or licensed psychological examiner; and
 - (5) other professional personnel, as indicated.

Hearing Impairment

1. Definition (State Board of Education Rule 0520-1-9-.01)
 - a. "Hearing Impairment" means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but does not include deafness.
2. Eligibility Standards
 - a. A child shall have one or more of the following characteristics:
 - (1) inability to communicate effectively due to a hearing impairment; or
 - (2) inability to perform academically on a level commensurate with the expected level because of a hearing impairment; or
 - (3) delayed speech and/or language development due to a hearing impairment.
 - b. The characteristics as defined above are present and cause an adverse effect on educational performance in the general education classroom or learning environment, including academic performance, speech and/or language development or communications skills.
3. Evaluation Procedures
 - a. Evaluation shall include the following:
 - (1) audiological evaluation;
 - (2) assessment of speech and language performance;
 - (3) school history and levels of educational performance; and
 - (4) documentation, including observation of classroom performance and assessment of how a hearing impairment adversely affects educational performance in the general education classroom or learning environment.
4. Evaluation Participants
 - a. Information shall be gathered from the following persons in the evaluation of hearing impairment:
 - (1) the parent(s) or guardian of the child;
 - (2) the child's general education classroom teacher (with a child of less than school age, an individual qualified to teach a child of his/her age),
 - (3) an audiologist or licensed physician;
 - (4) a licensed speech/language teacher or specialist; and
 - (5) other professional personnel, as indicated.

Intellectually Gifted

1. Definition (State Board of Education Rule 0520-1-9-.01)
 - a. "Intellectually Gifted" means a child whose intellectual abilities and potential for achievement are so outstanding that special provisions are required to meet the child's educational needs.
2. Eligibility Standards
 - a. Evaluation of intellectually gifted shall include:
 - (1) assessment through a multi-modal identification process, wherein no singular mechanism, criterion or cut-off score is used for determination of eligibility; and
 - (2) evaluation and assessment of the following components:
 - (3) academic achievement,
 - (4) academic performance,
 - (5) creative thinking, and
 - (6) cognition or intelligence.
 - b. Eligibility for an individual child is based on analysis of this information. The screening and comprehensive assessment results must meet specific eligibility standards based on multiple criteria and multiple assessment measures.
 - c. The standards for intellectually gifted are present and cause an adverse affect on educational performance in the general education curriculum or learning environment.
3. Evaluation Procedures
 - a. Evaluation shall include the following:
 - (1) systematic child-find and individual screening in the areas of:
 - (a) academic performance,
 - (b) creative thinking, and
 - (c) academic achievement (if needed);
 - (2) a team review of individual screening results;
 - (3) referral for individual comprehensive assessment based on results from individual screening information Individual evaluation procedures shall include appropriate use of instruments that are sensitive to cultural, linguistic, and economic differences or sensory impairments. The comprehensive assessment shall include:
 - (a) individual evaluation of cognition or intellectual ability; and
 - (b) individual evaluation of academic performance, creative thinking, and academic achievement. The need for expanded assessment and evaluation in each of these areas is determined based on the results of the individual screening;
 - (4) evaluation procedures in all of the four component areas of evaluation shall be completed for program and services planning regardless of the standards used to make the final eligibility determination; and

- (5) assessment and documentation of how the child's intellectual giftedness adversely affects educational performance in the general education curriculum or learning environment.
- 4. Evaluation Participants
 - a. Information shall be gathered from the following persons in the evaluation of intellectual giftedness:
 - (1) the parent(s) or guardian of the child;
 - (2) the child's referring teacher, or a general classroom teacher qualified to teach a child of his/her age, who is familiar with the student (with a child of less than school age, an individual qualified to teach a child of his/her age, who is familiar with the child);
 - (3) an appropriately licensed school psychologist, licensed psychological examiner, or licensed psychologist;
 - (4) a person who meets the employment standards in gifted education, or a licensed special education teacher; and
 - (5) other professional personnel, as indicated.

Mental Retardation

1. Definition (State Board of Education Rule 0520-1-9-.01)
 - a. "Mental Retardation" means substantial limitations in present levels of functioning that adversely affect a child's educational performance. It is characterized by significantly impaired intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period.
2. Eligibility Standards
 - a. A child shall meet all of the following:
 - (1) significantly impaired intellectual functioning, which is two or more standard deviations below the mean, with consideration given to the standard error of measurement for the test at the 68th percent confidence level, on an individually administered, standardized measure of intelligence. Interpretation of evaluation results shall take into account factors that may affect test performance, including:
 - (a) limited English proficiency;
 - (b) cultural background and differences;
 - (c) medical conditions that impact school performance;
 - (d) socioeconomic status; and
 - (e) communication, sensory or motor disabilities.Difficulties in these areas cannot be the primary reason for significantly impaired scores on measures of intellectual functioning; and
 - (2) significantly impaired adaptive behavior in the home or community as determined by:
 - (a) a composite score on an individual standardized instrument to be completed with or by the child's principal caretaker which measures two standard deviations or more below the mean. Standard scores shall be used. A composite age equivalent score that represents a 50% delay based on chronological age can be used only if the instrument fails to provide a composite standard score. A composite score two or more standard deviations below the mean cannot be primarily the result of:
 - limited English proficiency;
 - cultural background and differences;
 - medical conditions that impact school performance;
 - socioeconomic status; or
 - communication, sensory or motor disabilities; and
 - (b) additional documentation, when appropriate, which may be obtained from systematic documented observations, impressions, developmental history by an appropriate specialist in conjunction with the principal caretaker in the home, community, residential program or institutional setting; and
 - (3) significantly impaired adaptive behavior in the school, daycare center, residence, or program as determined by:

- (a) systematic documented observations by an appropriate specialist, which compare the child with other children of his/her chronological age group. Observations shall address age-appropriate adaptive behaviors. Adaptive behaviors to be observed in each age range are to include:
 - birth – 6 years—communication, self-care, social skills, and physical development;
 - 6 – 13 years—communication, self-care, social skills, home living, community use, self-direction, health and safety, functional academics, and leisure;
 - 14 – 21 years—communication, self-care, social skills, home-living, community use, self-direction, health and safety, functional academics, leisure, and work; and
 - (b) when appropriate, an individual standardized instrument may be completed with the principal teacher of the child. A composite score on this instrument shall measure two standard deviations or more below the mean. Standard scores shall be used. A composite age equivalent score that represents a 50% delay based on chronological age can be used only if the instrument fails to provide a composite standard score. A composite score two or more standard deviations below the mean cannot be primarily the result of :
 - limited English proficiency
 - cultural background and differences
 - medical conditions that impact school performance
 - socioeconomic status, or
 - communication, sensory or motor disabilities; and
 - b. Developmental history (birth to age 18) indicates delays in cognitive/intellectual abilities and a current demonstration of delays is present in child's' natural (home and school) environment; and
 - c. The characteristics as defined above are present and cause an adverse affect on educational performance in the general education classroom or learning environment.
3. Evaluation Procedures
- a. Evaluation shall include the following:
 - (1) intellectual functioning, determined by appropriate assessment of intelligence/cognitive abilities, adaptive behavior, norm- or criterion-referenced measures of academic achievement and relevant observations;
 - (2) intellectual impairment manifested during the developmental period (birth to 18) as documented in background information and history; and
 - (3) documentation and assessment that mental retardation has adverse effects on educational performance in the general education classroom or learning environment.
4. Evaluation Participants
- a. Information shall be gathered from the following persons in the evaluation of mental retardation:

- (1) the parent(s) or guardian/principal caretaker of the child;
- (2) the child's general education classroom teacher;
- (3) the special education teacher;
- (4) an appropriately licensed school psychologist, licensed psychologist, or licensed psychological examiner; and
- (5) other professional personnel, as indicated.

Multiple Disabilities

1. Definition (State Board of Education Rule 0520-1-9-.01)
 - a. "Multiple Disabilities" means concomitant impairments (such as mental retardation-blindness, mental retardation-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated by addressing only one of the impairments. The term does not include deaf-blindness.
2. Eligibility Standards
 - a. A child shall have the following two characteristics:
 - (1) meet the standards for two or more identified disabilities and
 - (2) be unable to benefit from services and supports designed for only one of the disabilities, as determined to be primary or secondary disabilities by the IEP Team.
 - b. Children who are classified multiple disabled shall:
 - (1) have a combination of two or more disabilities, the nature of the combination of disabilities requiring significant developmental and educational programming that cannot be accommodated with special education services that primarily serve one area of the disability.
3. Evaluation Procedures
 - a. A child with multiple disabilities shall be evaluated by the procedures for each disability; and shall meet the standards for two or more disabilities.
 - b. The eligibility team determines whether the standards have been met.
4. Evaluation Participants
 - a. Information shall be gathered from those persons designated for each disability in the evaluation of multiple disabilities.

Orthopedic/Physical Impairment

1. Definition (State Board of Education Rule 0520-1-9-.01)
 - a. "Orthopedic/Physical Impairment" means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g. club foot, absence of some member), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g. cerebral palsy, amputations, and fractures or burns that cause contractures).
2. Eligibility Standards
 - a. A child shall meet all of the following:
 - (1) orthopedic impairment; and
 - (2) demonstration of adverse affects on educational performance in the general education classroom and/or, educational environment; and
 - (3) demonstration of adverse affects on access to learning environment.
3. Evaluation Procedures
 - a. Evaluation shall include all of the following:
 - (1) appropriate medical evaluation obtained from a licensed physician;
 - (2) both social and physical adaptive behaviors (mobility and activities of daily living) which relate to orthopedic impairment; and
 - (3) documentation including observation of classroom performance and evaluation of how orthopedic impairments adversely affects educational performance in the general education classroom or learning environment.
4. Evaluation Participants
 - a. Information shall be gathered from the following persons in the evaluation of orthopedic impairments:
 - (1) the child;
 - (2) the parent(s) or guardian of the child;
 - (3) the child's general education classroom teacher(s);
 - (4) a licensed physician; and
 - (5) other professional personnel as indicated (e.g. special education teacher, OT, PT, assistive technology specialist).

Other Health Impairment

1. Definition (State Board of Education Rule 0520-1-9-.01)
 - a. "Other Health Impairment" means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that:
 - (1) is due to chronic or acute health problems such as asthma, attention-deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia; and
 - (2) adversely affects a child's educational performance.
2. Eligibility Standards
 - a. A child is other health impaired who has chronic or acute health problems that indicate a need for special education participation due to:
 - (1) impaired organizational or work skills;
 - (2) inability to manage or complete tasks;
 - (3) difficulty interacting with others;
 - (4) excessive health related absenteeism; or
 - (5) medications that affect cognitive functioning.
 - b. The characteristics as defined above are present and cause an adverse affect on educational performance in the general education classroom or learning environment.
3. Evaluation Procedures
 - a. Evaluation for initial eligibility shall include the following:
 - (1) a medical evaluation from a licensed physician. The evaluation report shall include:
 - (a) the diagnosis and prognosis of the child's health impairment;
 - (b) information, as applicable, regarding medications; and
 - (c) special health care procedures, special diet and/or activity restrictions.The evaluation report used for initial eligibility shall be current within one year; and
 - (2) a comprehensive developmental or educational assessment which indicates the affects of the health impairment on the student's educational performance, and documents the following deficit skills resulting from the health impairment:
 - (a) pre-academics or academic functioning;
 - (b) adaptive behavior;
 - (c) social/emotional development; and
 - (d) motor or communications skills.
 - c. When assessment information indicates significant deficits in cognitive/academic functioning, a psycho-educational evaluation shall be considered.

4. Evaluation Participants

- a. Information shall be gathered from the following persons in the evaluation of other health impairment:
 - 1. the parent or guardian of the child;
 - 2. the child's general education classroom teacher;
 - 3. a licensed physician;
 - 4. a special education teacher; and
 - 5. other professional personnel as indicated.

Specific Learning Disabilities

1. Definition (State Board of Education Rule 0520-1-9-.01)
 - a. "Specific Learning Disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.
 - b. Disorders not included. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.
2. Eligibility Standards
 - a. In order to identify and be determined as eligible for Special Education Services as a child with a specific learning disability, the IEP Team shall document that the following standards have been met.
 - (1) The child shall demonstrate a continued lack of progress when provided with appropriate instruction in the suspected area of disability. There shall be documented evidence which indicates that effective general education interventions and strategies have been attempted over a reasonable period of time.
 - (2) The determining factor for identification of a learning disability may not be a "lack of appropriate instruction in reading and math."
 - (3) There shall be evidence that the child does not achieve commensurate with his/her age and ability in one or more of the following areas: listening comprehension, oral expression, basic reading skills, reading comprehension, written expression, mathematics calculation, and/or mathematics reasoning.
 - (4) There is a severe discrepancy between educational performance and predicted achievement that is based on the best measure of cognitive ability. A severe discrepancy between educational performance and predicted achievement that is based on the best measure of cognitive ability is defined by at least 1.5 Standard Error of the Estimate Units (SEe's) when utilizing regression-based discrepancy analyses described in Tennessee's guidelines for evaluation of specific learning disabilities. [See Attachment]
 - (5) There is evidence of a cognitive processing disorder that adversely affects the child's academic achievement. A cognitive processing disorder is defined as a deficit in the manner in which a child receives, stores, transforms, retrieves, and expresses information. There shall be documented evidence that demonstrates or expresses the manifestation of the processing disorder in the identified achievement deficit.
 - (6) There shall be evidence that the child's learning problems are not due primarily to visual, hearing, or motor impairments; mental retardation; emotional disturbance; environmental, cultural, or economic disadvantage; limited English proficiency, motivational factors; or situational traumas.

(7) There shall be evidence that:

- (a) characteristics as defined above are present and that the severity of the child's specific learning disability adversely affects his/her progress in the general education curriculum, demonstrating the need for special education and related services, and
- (b) children who perform in classroom academics in a manner commensurate with expected academic standards at the child's grade level cannot be considered as having a specific learning disability, even though they may show deficits on achievement tests in one or more of the seven academic areas.

3. Evaluation Procedures

a. Evaluation shall include all of the following:

- (1) an individual standardized multifactored assessment of cognitive ability;
- (2) an individual standardized assessment of academic achievement;
- (3) supportive data in the identified deficit academic area(s) from sources such as group or individually administered achievement tests; criterion-referenced assessments, or curriculum/performance-based assessments;
- (4) at least two valid and reliable measures in the area of the suspected cognitive processing disorder [may be derived from many of the assessments described in 3 a. – (1),(2),(3)];
- (5) at least two documented observations of the child's educational performance in the general education classroom including:
 - (a) an indirect observation by the child's general education classroom teacher, and
 - (b) a direct observation by a professional other than the person providing the indirect observation.
 - (c) Observations shall address the child's academic behaviors, academic performance, and relevant work samples;
- (6) parental input and, as appropriate, the child's input;
- (7) documentation that the child's learning problems are not primarily due to:
 - (a) lack of appropriate instruction in reading and math
 - (b) limited English proficiency;
 - (c) visual, hearing, or motor impairment,
 - (d) mental retardation,
 - (e) emotional disturbance,
 - (f) environmental, cultural, or economic disadvantage,
 - (g) motivational factors, and
 - (h) situational traumas.
- (8) documentation and assessment of how the child's specific learning disability adversely affects his/her progress in the general education curriculum.

4. Evaluation Participants

- a. Information shall be gathered from the following persons in the evaluation of a specific learning disability:
 - (1) the child;

- (2) the parent(s) or guardian of the child;
- (3) the child's general education classroom teacher;
- (4) an appropriately licensed school psychologist, licensed psychological examiner, or licensed psychologist, and
- (5) other professional personnel as indicated.

REGRESSION TABLE

		(16)	(18)	(20)	Size of Discrepancy (1.5 SD x SEe) Correlation Between Ability Score and Achievement
		.7	.6	.5	
I. Obtained Ability Score Expected Achievement					
130	121	118	115	Refer to the Regression Table located in the Specific Learning Disabilities Resource Packet for current assessment correlations.	
129	120	117	115		
128	120	117	114		
127	119	116	114		
126	118	116	113		
125	118	115	113		
124	117	114	112		
123	116	114	112		
122	115	113	111		
121	115	113	111		
120	114	112	110		
119	113	111	110		
118	113	111	109		
117	112	110	109		
116	111	110	108		
115	111	109	108		
114	110	108	107		
113	109	108	107		
112	108	107	106		
111	108	107	106		
110	107	106	105		
109	106	105	105		
108	106	105	104		
107	105	104	104		
106	104	104	103		
105	104	103	103		
104	103	102	102		
103	102	102	102		
102	101	101	101		
101	101	101	101		
100	100	100	100		
99	99	99	100		
98	99	99	99		
97	98	98	99		
96	97	98	98		
95	97	97	98		
94	96	96	97		
93	95	96	97		
92	94	95	96		
91	94	95	96		
90	93	94	95		
89	92	93	95		
88	92	93	94		
87	91	92	94		
86	90	92	93		
85	90	91	93		
84	89	90	92		
83	88	90	92		
82	87	89	91		
81	87	89	91		
80	86	88	90		
79	85	87	90		
78	85	87	89		
77	84	86	89		
76	83	86	88		
75	83	85	88		
74	82	84	87		
73	81	84	87		
72	80	83	86		
71	80	83	86		
70	79	82	85		

Table is modified version of that provided by Gary Hessler, Ph.D.-Malcomb Intermediate School District, Michigan

Speech or Language Impairment

1. Definition (State Board of Education Rule 0520-1-9-.01)
 - a. "Speech or Language Impairment" means a communication disorder, such as stuttering, impaired articulation, a language impairment, or voice impairment that adversely affects a child's educational performance.
2. Eligibility Standards
 - a. Speech/language impairment shall be determined through the demonstration of impairments in the areas of language, articulation, voice, and fluency.
 - (1) Language Impairment – A significant deficiency which is not consistent with the student's chronological age in one or more of the following areas:
 - (a) a deficiency in receptive language skills to gain information;
 - (b) a deficiency in expressive language skills to communicate information;
 - (c) a deficiency in processing (auditory perception) skills to organize information.
 - (2) Articulation Impairment – A significant deficiency in ability to produce sounds in conversational speech which is not consistent with chronological age.
 - (3) Voice Impairment – An excess or significant deficiency in pitch, intensity, or quality resulting from pathological conditions or inappropriate use of the vocal mechanism.
 - (4) Fluency Impairment – Abnormal interruption in the flow of speech by repetitions or prolongations of a sound, syllable, or by avoidance and struggle behaviors.
 - b. The characteristics as defined above are present and cause an adverse affect on educational performance in the general education classroom or learning environment.
 - c. Speech/language deficiencies identified cannot be attributed to characteristics of second language acquisition and/or dialectical differences.
3. Evaluation Procedures
 - a. Language impairment - a significant deficiency in language shall be determined by:
 - (1) an analysis of receptive, expressive, and/or composite test scores that fall at least 1.5 standard deviations below the mean of the language assessment instruments administered; and
 - (2) a minimum of two (2) measures shall be used, including criterion and/or norm-referenced instruments, functional communication analyses, and language samples. At least one standardized comprehensive measure of language ability shall be included in the evaluation process.Evaluation of language abilities shall include the following:
 - (a) hearing screening;
 - (b) reception: vocabulary, syntax, morphology;
 - (c) expression: mean length of utterance, syntax, semantics, pragmatics, morphology;

- (d) auditory perception: selective attention, discrimination, memory, sequencing, association, and integration; and
 - (e) documentation and assessment of how a language impairment adversely affects educational performance in the classroom or learning environment.
 - b. Articulation Impairment – a significant deficiency in articulation shall be determined by either:
 - (1) articulation error(s) persisting one year beyond the highest age when 85% of the student have acquired the sounds based upon current developmental norms; or
 - (2) evidence that the child's scores are at a moderate, severe, or profound rating on a measure of phonological processes; and
 - (3) misarticulations which interfere with communication and attract adverse attention.

Evaluation of articulation abilities shall include the following:

 - (a) appropriate formal/informal instrument(s);
 - (b) stimulability probes;
 - (c) oral peripheral examination;
 - (d) analysis of phoneme production in conversational speech; and
 - (e) documentation and assessment of how an articulation impairment adversely affects educational performance in the general education classroom or learning environment.
 - c. Voice impairment – evaluation of vocal characteristics shall include the following:
 - (1) hearing screening;
 - (2) examination by an otolaryngologist;
 - (3) oral peripheral examination; and
 - (4) documentation and assessment of how a voice impairment adversely affects educational performance in the general education classroom or learning environment.
 - d. Fluency impairment – evaluation of fluency shall include the following:
 - (1) hearing screening;
 - (2) information obtained from parents, students, and teacher(s) regarding non-fluent behaviors/attitudes across communication situations;
 - (3) oral peripheral examination; and
 - (4) documentation and assessment of how a fluency impairment adversely affects educational performance in the general education classroom or learning environment.
- 4. Evaluation Participants
 - a. Information shall be gathered from the following persons in the evaluation of a speech or language impairment:
 - (1) the parent(s) or guardian of the child;
 - (2) the child's general education classroom teacher;

- (3) a licensed speech/language teacher or therapist;
- (4) a licensed otolaryngologist (for voice impairments only); and
- (5) other professional personnel as indicated.

Traumatic Brain Injury

1. Definition (State Board of Education Rule 0520-1-9-.01)
 - a. "Traumatic Brain Injury" means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.
2. Eligibility Standards
 - a. A child must meet the following standards:
 - (1) an insult to the brain, caused by an external force that may produce a diminished or altered state of consciousness which induces a partial or total functional disability and results in one or more of the following:
 - (a) physical impairments such as speech, vision, hearing, and other sensory impairments; headaches; fatigue; lack of coordination; spasticity of muscles; paralysis of one or both sides and/or seizure disorder; and/or
 - (b) cognitive impairments such as, but not limited to, impaired:
 - attention or concentration,
 - ability to initiate, organize, or complete tasks,
 - ability to sequence, generalize, or plan,
 - flexibility in thinking, reasoning or problem solving,
 - abstract thinking,
 - judgment or perception,
 - long-term or short term memory, including confabulation,
 - ability to acquire or retain new information, and/or
 - ability to process information/processing speed; and
 - (c) psychosocial impairments, such as, but not limited to:
 - impaired ability to perceive, evaluate, or use social cues or context appropriately, affecting peer or adult relationships,
 - impaired ability to cope with over-stimulation environments, and low frustration tolerance
 - mood swings or emotional lability,
 - impaired ability to establish or maintain self-esteem,
 - lack of awareness of deficits affecting performance,
 - difficulties with emotional adjustment to injury (anxiety, depression, anger, withdrawal, egocentricity, or dependence),
 - impaired ability to demonstrate age-appropriate behavior,
 - difficulty in relating to others,

- impaired self-control (verbal or physical aggression, impulsivity); inappropriate sexual behavior or disinhibition; restlessness, limited motivation and initiation, and/or
 - intensification of preexisting maladaptive behaviors or disabilities.
 - b. The characteristics as defined above are present and cause an adverse affect on educational performance in the general education classroom or learning environment.
 - c. The term does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.
3. Evaluation Procedures
- a. Evaluations shall include the following:
 - (1) appropriate medical statement obtained from a licensed physician;
 - (2) parent/caregiver interview;
 - (3) educational history and current levels of educational performance;
 - (4) functional assessment of cognitive/communicative abilities;
 - (5) social adaptive behaviors which relate to traumatic brain injury;
 - (6) physical adaptive behaviors which relate to traumatic brain injury; and
 - (7) documentation, including observation and/or assessment of how traumatic brain injury adversely affects educational performance in the general education classroom or learning environment.
4. Evaluation Participants
- a. Information shall be gathered from the following persons in the evaluation of traumatic brain injury:
 - (1) parent/guardian or caregiver of the child;
 - (2) the child's general education or special education teacher, as appropriate;
 - (3) a licensed physician; and
 - (4) other professional personnel, as indicated.

Visual Impairment

1. Definition (State Board of Education Rule 0520-1-9-.01)
 - a. "Visual Impairment Including Blindness" means impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.
2. Eligibility Standards
 - a. The child shall meet the definition of visual impairment and at least one of the following:
 - (1) visual acuity in the better eye or both eyes with best possible correction:
 - (a) Legal Blindness – 20/200 or less at distance and/or near;
 - (b) Low Vision – 20/50 or less at distance and/or near;
 - (2) visual field restriction with both eyes:
 - (a) Legal Blindness – remaining visual field of 20 degrees or less;
 - (b) Low Vision – remaining visual field of 60 degrees or less;
 - (c) medical and educational documentation of progressive loss of vision, which may in the future, affect the student's ability to learn visually, or
 - (3) other visual impairment, not perceptual in nature, resulting from a medically documented condition.
 - b. The characteristics as defined above are present and cause an adverse effect on educational performance in the classroom or learning environment.
3. Evaluation Procedures
 - a. Evaluation shall include the following:
 - (1) evaluation by an ophthalmologist or optometrist, which documents the eye condition with the best possible correction;
 - (2) a written functional vision and media assessment, completed or compiled by a licensed teacher of students with visual impairments, which includes:
 - (a) observation of visual behaviors at school, home, or other environments;
 - (b) educational implications of eye condition based upon information received from eye report;
 - (c) assessment and/or screening of expanded core curriculum skills (orientation and mobility, social interaction, visual efficiency, independent living, recreation and leisure, career education, assistive technology, and compensatory skills) as well as an evaluation of the child's reading and writing skills, needs, appropriate reading and writing media, and current and future needs for Braille;
 - (d) school history and levels of educational performance; and
 - (e) documentation and assessment of how visual impairment adversely affects educational performance in the classroom or learning environment.
4. Evaluation Participants
 - a. Information shall be gathered from the following persons in the evaluation of visual impairment:

- (1) the parent/guardian of the child;
- (2) an ophthalmologist or optometrist;
- (3) licensed teacher of students with visual impairments;
- (4) a general education classroom teacher; and
- (5) other professional personnel, as indicated (e.g., low vision specialist, orientation and mobility instructor, school psychologist).